

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

JUN 12 2006

JOHN F. CORCORAN, CLERK
BY: *Fay Coleman*
DEPUTY CLERK

JOYCE T. KING,

Plaintiff,

v.

JO ANNE B. BARNHART, COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

CIVIL ACTION No. 6:04-CV-00053

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on the parties' cross-motions for summary judgment.

By standing order of the Court, the motions were referred to the Honorable Michael F. Urbanski, United States Magistrate Judge, for proposed findings of fact and a recommended disposition pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate filed his Report and Recommendation ("Report" or "R&R") on November 17, 2005, recommending that this Court enter an order affirming the Commissioner's final decision denying Plaintiff's claim for disability, granting the Commissioner's motion for summary judgment, denying Plaintiff's motion for summary judgment, and dismissing this case from the Court's docket. Plaintiff timely filed Objections to the Report on November 22, 2005, obligating the Court to undertake a *de novo* review of those portions Report to which objection was made. 28 U.S.C. § 636(b)(1); *Orpiano v. Johnson*, 687 F.2d 44, 48 (4th Cir. 1982).

After a thorough examination of the Plaintiff's objections, the applicable law, the documented record, and the Magistrate's Report, the Court overrules all objections. As explained in the Magistrate's Report, the Commissioner's finding that Plaintiff retains the

residual functional capacity to perform her past relevant work is supported by substantial evidence and was made in accordance with the law. *See* R&R at 5-9.

Accordingly, it is this day ORDERED that the Report and Recommendation of the United States Magistrate Judge shall be, and hereby is, ADOPTED, in its entirety. The Commissioner's decision denying benefits is AFFIRMED and her motion for summary judgment is GRANTED. Plaintiff's motion for summary judgment is DENIED. This case is DISMISSED and stricken from the docket of the Court.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTER: *Norman A. Moore*
U.S. District Court Judge

DATE: *June 12, 2006*